

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CENTURY 21 REAL ESTATE LLC,
formerly known as Century 21
Real Estate Corporation,

Plaintiff,

-against-

ORDER ADOPTING REPORT AND
RECOMMENDATION
08-CV-798(JS)(ETB)

NEW BEGINNINGS OF NORTH SHORE
INC., d/b/a Home Shore Realty II,
Kevin K. Santornino,

Defendants.

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APPEARANCES:

For Plaintiff: Daniel K. Winters, Esq.
Jennifer Ann Guidea, Esq.
Reed Smith, LLP
599 Lexington Avenue, 28th Floor
New York, NY 10022

For Defendants: No appearance

SEYBERT, District Judge:

On February 26, 2008, Plaintiff commenced this action against Defendants alleging breach of contract. On March 28, 2008, the Clerk of the Court certified that Defendants had failed to answer or otherwise respond to the Complaint in this action. On June 27, 2008, this Court entered a default judgment and referred the matter to the Honorable E. Thomas Boyle to report and recommend as to whether Plaintiff is entitled to any damages. On December 9, 2008, Judge Boyle filed a Report and Recommendation ("R&R").

Pursuant to Rule 72 of the Federal Rule of Civil Procedure, any objections to the R&R were to be filed with the Clerk of the Court within ten days of service of the R&R. The time

for filing objections has expired and no Party has objected. Accordingly, all objections are hereby deemed to have been waived.

The Court ADOPTS the R&R in its entirety and GRANTS Plaintiff an award of \$319,983.68 against Defendants, which represents (1) \$78,329.61 in unpaid royalty and national advertising fees; (2) \$205,987.07 in liquidated damages; (3) \$10,433.98 in interest; (4) \$24,521.50 in attorney's fees; and (5) \$711.52 in expenses. The Clerk of the Court is directed to mark this matter CLOSED.

SO ORDERED

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: Central Islip, New York
June 16, 2009